

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:19CR140

vs.

MATTHEW PITZER,

ORDER

Defendant.

This matter is before the Court on the Defendant's Motion to Reconsider Magistrate Order for Release. [Filing No. 103](#). The rules do not contemplate motions to reconsider detention orders; however, the District of Nebraska Criminal Rules permit parties to move to "reopen" detention proceedings under [18 U.S.C. § 3142\(f\)](#). NECrimR 46.2(b). In such proceedings, the same magistrate issuing a detention order reviews the matter of detention or release. *Id.* The Nebraska Criminal Rules also provide for a means to appeal a detention order issued by the magistrate. NECrimR 46.2(c).

Defendant's prior Motion to Reconsider Detention reopened detention proceedings. [Filing No. 96](#). Although styled as a motion to reconsider, Defendant appears to be appealing the Magistrate Judge's order denying Defendant's prior Motion to Reconsider. See Filing Nos. 96, 97. The Court has reviewed the record related to Defendant's detention including the initial Pretrial Services Report, [Filing No. 17](#), the Pretrial Services Violation Report, [Filing No. 87](#), the Amended Petition for Action on Conditions of Pretrial Release, [Filing No. 94](#), and the Magistrate Judge's Order on Appearance for Pretrial Release Violation, [Filing No. 99](#). For the reasons outlined in the Magistrate Judge's previous order for detention, the Court denies [Filing No. 103](#),

Defendant's appeal of the Magistrate Judge's order, styled as a Motion for Reconsideration of Detention.

IT IS SO ORDERED.

Dated this 16th day of February, 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge